

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

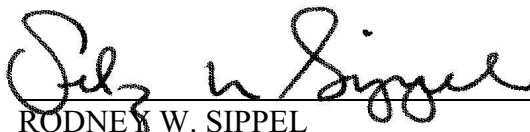
ALFRED D. HARVEY, JR.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:10CV510 RWS
)	
BANK OF AMERICA CORP.,)	
et al.,)	
)	
Respondents.)	

MEMORANDUM AND ORDER

This matter is before me on defendants' motion to dismiss. Defendants have attached matters outside the complaint in support of their motion to dismiss and therefore request that the Court treat this motion as one for summary judgment under Federal Rule of Civil Procedure 56. The Court will do so and will grant plaintiff until June 21, 2010 to file his written opposition to the motion. **Plaintiff is specifically warned that his failure to timely comply with this Order will result in the motion to dismiss being granted without opposition, and the case being dismissed without prejudice.**

Accordingly,

IT IS HEREBY ORDERED that plaintiff shall file a written opposition to defendants' motion to dismiss by June 21, 2010, or the motion to dismiss will be granted without opposition, and plaintiff's complaint will be dismissed without prejudice.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 1st day of June, 2010.